

## KRAMER LEVIN NAFTALIS &amp; FRANKEL LLP

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September 10, 2007

BY FACSIMILE

Honorable Shira A. Scheindlin  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1620  
New York, NY 10007

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Re: United States v. Kelly, 07 Crim. 825 (SAS)

Dear Judge Scheindlin:

On behalf of defendant Clyde Kelly, we respectfully submit this letter to request a brief adjournment of the status conference set for tomorrow, September 11, 2007 at 12:15 p.m., to either Tuesday, September 18 or Wednesday, September 19. No prior adjournment has been sought in this matter.

Mr. Kelly was arrested on Friday, September 7, 2007. Shortly after his arrest, we were contacted and asked to represent Mr. Kelly in connection with bail and arraignment, which we did. Mr. Kelly has not determined whether to retain Kramer Levin to represent him in this matter going forward. He expects to make a decision as to counsel shortly.

We thought it prudent to advise the Court that Mr. Kelly has not determined who will be representing him in this case, in light of the possibility that Your Honor may wish to ensure that the conference is attended by that lawyer. We are of course prepared to go forward with the conference tomorrow if Your Honor so directs.

We spoke to counsel for the government and understand that the government takes no position on any adjournment request. The government did ask that any adjournment be excluded from the speedy trial clock computation. Should Your Honor elect to adjourn the conference, Mr. Kelly hereby consents to an exclusion of that time for speedy trial purposes.

Respectfully submitted,

*David S. Frankel*

David S. Frankel

cc: Assistant U.S. Attorney Antonia M. Apps (by e-mail)

*Request granted  
Conference adjourned to September 18 at 2:30 p.m.  
Time excluded. Co. deed: [signature]  
9/10/07*